



PUBLIC NOTICE

Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
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DA 02-3309

Released: November 27, 2002

DOMESTIC SECTION 214 APPLICATION FILED FOR ACQUISITION OF ASSETS OF FIVE STAR PHONE CENTER BY MIDWESTERN TELECOMMUNICATIONS, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 02-372

On October 11, 2002, Midwestern Telecommunications, Inc. (MTI), filed an application pursuant to section 214 of the Communications Act of 1934, as amended,¹ and sections 63.03 and 63.04 of the Commission's rules,² for consent to the acquisition of Five Star Phone Center's (Five Star) customer base by MTI.³

MTI asserts that this application is subject to streamlined processing under section 63.03(b)(2)(i) because no party to this application is dominant with respect to any service.⁴

Five Star was a privately held Illinois corporation with approximately 350 local exchange customers in Illinois. Five Star is no longer doing business as a competitive local exchange carrier. Five Star provided integrated voice and data telecommunications services to primarily residential customers throughout the SBC/Ameritech territory of Illinois. Applicants state that Five Star's customer base was in danger of being disconnected by the underlying carrier, SBC/Ameritech, because of non-payment by Five Star. Pursuant to special temporary authority granted on September 13, 2002, MTI converted the customer base of Five Star on September 13, 2002 to its network.

¹ 47 U.S.C. § 214.

² 47 C.F.R. §§ 63.03, 63.04.

³ The applicants have also filed an application for international section 214 authorization, which will be processed separately. Any action on this domestic 214 application is without prejudice to Commission action on other related pending applications.

⁴ 47 C.F.R. § 63.03(b)(2)(i).

MTI is an Illinois corporation providing local exchange service in California, Illinois, Indiana, Michigan, Ohio, and Wisconsin.

MTI states that approval of the proposed transfer of control of the Five Star customer base to MTI will enable those customers to continue receiving service without interruption. MTI also states that this application will serve the public interest, convenience and necessity by promoting competition among telecommunications carriers. Specifically, MTI states that the transfer of control of the Five Star customer base to MTI will contribute to increasing MTI's operational flexibility and efficiency, as well as its long-term financial viability. MTI states that the proposed transfer of control will therefore ensure the continued provision of innovative, high quality telecommunications services to the public and should promote competition in the U.S. domestic telecommunications service market.

GENERAL INFORMATION

The transfer of control application identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file **comments within 14 days** and **reply comments within 21 days** of this notice.⁵ Unless otherwise notified by the Commission, an applicant is permitted to transfer control of the domestic lines or authorization to operate on the 31st day after the date of this notice. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

⁵ See 47 C.F.R. § 63.03(a).

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

In addition, one copy of each pleading must be sent to each of the following:

- (1) the Commission's duplicating contractor, Qualex International, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: qualexint@aol.com; facsimile: (202) 863-2898; phone: (202) 863-2893.
- (2) Tracey Wilson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: twilson@fcc.gov, and
- (3) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 6-A461, Washington, D.C. 20554; e-mail: dcjohnson@fcc.gov; and
- (4) Nandan Joshi, Office of General Counsel, 445 12th Street, S.W., Room 8-A820, Washington, D.C. 20554; e-mail: njoshi@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

For further information, please contact Tracey Wilson, at (202) 418-1394 or Bill Dever, Competition Policy Division, Wireline Competition Bureau at (202) 418-1578.

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